

REMARKS

Reconsideration and allowance of the instant application are respectfully requested. Claims 1-27, 29-30, and 32-33 stand rejected under 35 USC 102(b) as anticipated by Simonetti (U.S. Patent 5,295,261).

In Simonetti, a customer places an order for merchandise. The order is forwarded to a pre-determined distribution center based on the *address* of the customer. That is, following the hierarchal tree, the customer number (address) is linked to a distributional center. It is the customer's address that identifies the merchandise distribution route and hence the closest distribution center having the merchandise to be delivered.

Attention is drawn to Simonetti, column 5, line 59+, which describes a prior art system. A customer orders an item from a mail order catalog. The goods are distributed through a network of distribution points including regional distribution centers, city distribution centers, and then to customers. When an order is made, the sales person must reference the distribution route to find the *closest* distribution point which has the merchandise that has been ordered. Hence, the sales person uses the customer's address to find the closest distribution center for the merchandise ordered.

Simonetti is an improvement over the prior art in that it allows a computer using a hierarchal tree program to do the work of the sales person. Figure 2C is an example of a hierarchal tree. The nodes in tree structure 50 are divided into sets such as state 51, city 52, street address 53, and unique identifier 54. In the case of ordering merchandise, the computer simply works up the tree to find the appropriate distribution center. It is only the customer's address that is utilized to determine which distribution center to obtain the ordered product.

On the other hand, the claimed invention provides a database that has predetermined settings for purchasing merchandise from a variety of suppliers and distributors. A customer is assigned a customer ID. A database contains the customer ID, and desired suppliers and/or distributors for *each* of the products the customer typically orders. That is there is "a database storing registered customer IDs, distributors, suppliers, and respective merchandise distribution routes through which each of plural sorts of merchandise ordered by each of the customers is

delivered to the customer...”

Thus “respective customer IDs and product numbers are linked according to predetermined settings.” The database stores these predetermined settings and uses these values to specify the distribution route. Hence “the merchandise distribution routes being determined by the distributors and suppliers selected...”

Importantly, the database maintains these selections and, upon ordering merchandise, the computer specifies the distribution route for each type of merchandise based on the predetermined selection of the distributor and/or supplier.

When the customer places an order for plural sorts of merchandise, the computer accesses the database to determine what distribution route will be followed (route specifying means) and hence suppliers and/or distributors for *each* type of merchandise:

route specifying means for *specifying* each of the merchandise distribution routes for the plural sorts of merchandise by accessing the database and then *separating* one route from another upon receipt of order signals from the customer specified by the customer specifying means to deliver the plural sorts of merchandise to the customer; the route specifying means automatically identifying respective merchandise distribution routes, upon receipt of orders from customers, *based on the customer and the product*, and then separating the merchandise distribution routes from each other on the basis of product number and category of each of the merchandise items according to predetermined settings

Thus route *specifying* means *separates* the merchandise distribution routes from each other on the basis of product number and category of each of the merchandise items according to predetermined settings, such settings determined by the distributors and suppliers selected. Each product ordered by a single customer may have a completely different distribution route from any other product based on the selected suppliers and/or distributors.

To further illustrate this important difference from Simonetti, a second customer living next door to the single customer mentioned above may order the same product but have it delivered by a completely different distribution route because that customer may have predetermined settings with different suppliers and/or distributors. Clearly, the selection of the distribution route is not based on the customer’s address.

'The claimed system allows a simple way for a customer to place orders for different types of merchandise from predetermined vendors by inputting the orders into a computer. The computer then accesses the database and automatically specifies the distribution routes for each type of merchandise, placing the appropriate orders with the appropriate suppliers and/or distributors (claimed first and second ordering means).

This is different from placing an order and having a distribution center selected based on the customer's address using a hierarchal tree as disclosed in Simonetti. Simonetti does not teach or suggest *separating* merchandise distribution routes from one another based on plural sorts of merchandise and predetermined settings. Simonetti simply utilizes a hierarchal tree to specify a predetermined distribution center based on the customer's address.

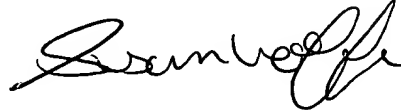
35 USC 102 requires that every element be disclosed in the prior art. Simonetti fails to disclose every element as required under the statute. Simonetti does not teach route specifying means for specifying each of the merchandise distribution routes for plural types of merchandise based on predetermined settings stored for each customer. In contrast, Simonetti only teaches basing the selection of a merchandise distribution route on the address of the customer. The address is entered, and based on the address, the closest distribution center is selected to provide delivery of the product. Simonetti simply does not maintain a database of predetermined settings for each customer.

Simonetti does not teach each and every element of the instant claims and therefore cannot anticipate the instant claims. Withdrawal of the instant rejections is requested.

CONCLUSION

In view of the above amendments and remarks, withdrawal of the rejections and issuance of a Notice of Allowance is requested.

Respectfully submitted,



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